



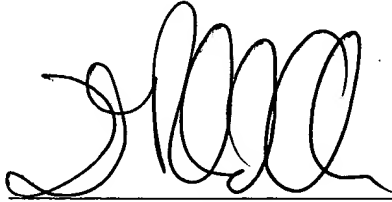
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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) | |
|---|---|--------------------------|--|
| | | 1163-0318P | |
| | Application Number | Filed | |
| | 09/764,312-Conf. #6764 | January 19, 2001 | |
| | First Named Inventor Yoshihisa YAMADA et al. | | |
| Art Unit | Examiner | | |
| 2621 | A. S. Rao | | |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>40,439</u></p> <p> Signature</p> <p><u>D. Richard Anderson</u> Typed or printed name</p> <p><u>(703) 205-8000</u> Telephone number</p> <p><u>May 9, 2006</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p> | | | |



Docket No.: 1163-0318P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshihisa YAMADA et al.

Application No.: 09/764,312

Confirmation No.: 6764

Filed: January 19, 2001

Art Unit: 2613

For: IMAGE CODING DEVICE AND METHOD FO
IMAGE CODING

Examiner: A. S. Rao

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' request review of the rejections stated in the final Office Action dated December 9, 2005 because the allegedly anticipatory reference does disclose each and every claimed element as discussed below.

Claims 2-26 are currently pending, wherein claims 2-4 and 9-15 have been withdrawn from consideration and claims 5-8 and 16-26 have been finally rejected under 35 U.S.C. § 102(e). Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraphs 3 and 5 of the final Office Action ("Action"), the Examiner rejects claims 5-8, and 16-26 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,535,558 to Suzuki et al. ("Suzuki"). In addition, in response to Applicants arguments

submitted on March 9, 2006, the Examiner asserts in the Advisory Action mailed April 4, 2006, that claims 5-8 “would be rejected as original claim 1 and the assorted dependent limitations” (i.e., the Examiner maintains the rejection set forth in the final Office Action). However, the Examiner fails to address Applicants’ arguments.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, claims 5-8, 16, and 17 are not anticipated by Suzuki because Suzuki fails to disclose each and every claimed element as discussed below.

Independent claim 5 defines an image coding device for coding a motion image signal, and outputting the coded data as a bit stream. The device includes, *inter alia*, an input image controller that executes a predetermined processing to an input motion image signal for reducing the amount of coded data when coding the motion image signal by a coding method in which it is prescribed that the frame rate of a motion image signal is set to a constant level to be output at its decoding time, and outputs the processed motion image signal, together with the process information indicating the detail of said processing; and an image coder for coding the motion image signal processed at said input image controller into a data in conformity with said coding method on the basis of said process information. Furthermore, the input image controller excludes one field of each of the frames at a predetermined rate when the input motion image signal is of the interlace method, and outputs the processed motion image signal, together with the process information showing the thus excluded fields, and said image coder detects the exclusion of fields on the basis of said process information, performs a predictive coding with respect to the thus excluded fields on the basis of the other fields, and generates a coded data corresponding to said excluded fields. Accordingly, one field of an interlace image signal is

excluded, and predictive coding is performed on the basis of the remaining (i.e., non-excluded) fields.

In rejecting claim 5, the Examiner asserts that Suzuki discloses an input image controller that excludes either one field of each of the frames at a predetermined rate when the input motion image signal is of the interlace method, and outputs the processed motion image signal, together with the process information showing the thus excluded fields as claimed inasmuch as Suzuki discloses that if there is no macro-block data, the macro-block is treated as a skipped macro-block. To support this assertion, the Examiner points to column 15, lines 15-25. This assertion is unfounded for the following reason.

Although Suzuki may disclose that macro-blocks that have a zero vector and quantized DCT coefficients equal to zero are treated as skip macro-blocks, nowhere in Suzuki is there any disclosure of excluding one *field* of an *interlaced* image signal and performing predictive coding on the remaining fields as claimed. Accordingly, Suzuki does not anticipate independent claim 5 because Suzuki fails to disclose each and every claimed element.

Independent claims 6, 7, and 8 each define an image coding device that includes, among other elements, an input image controller that excludes one field of each of the frames at a predetermined rate when the input motion image signal is of the *interlace* method, and outputs the processed motion image signal, together with the process information showing the thus excluded fields. Accordingly, claims 6, 7, and 8 are not anticipated by Suzuki because Suzuki fails to disclose each and every claimed element. (See discussion above with respect to claim 5.)

Independent claim 16 defines a method of image coding for coding a motion image signal and outputting the thus coded data as a bit stream. The method includes, *inter alia*, executing a

predetermined processing to an input motion image signal for reducing the amount of coded data when coding the motion image signal by a coding method in which it is prescribed that the frame rate of a motion image signal is set to a constant level to be output at its decoding time, and outputting the processed motion image signal, together with the process information indicating the detail of said processing, and coding the motion image signal processed at said input image controller into a data in conformity with said coding method on the basis of said process information. Independent claim 16 is patentable over Suzuki for at least the reason that Suzuki fails to teach an input image controller that executes a predetermined processing to an input motion image signal for reducing the amount of coded data, whereby the coding method requires that a coded image signal has a constant frame rate upon decoding, as claimed.

Independent claim 17 defines an image coding device for coding a motion image signal and outputting the thus coded data as a bit stream. The device includes, *inter alia*, an input image controller which, in the case where the motion image signal is of the interlace mode, equalizes two fields of each frame at a predetermined rate, and output the thus processed motion image signal, and an image coder that codes the motion image signal processed at said input image controller by a decoding method which is in conformity with a method that is designed for outputting a motion image signal at a constant frame rate. Therefore, independent claim 17 is not anticipated by Suzuki because Suzuki fails to disclose an input image control that equalizes two fields of each frame at a predetermined rate for interlaced image signals as claimed.

In paragraph 5 of the Action, the Examiner rejects claims 18-26 under 35 U.S.C. § 102(e) as being anticipated by Suzuki. Applicants respectfully traverse this rejection.

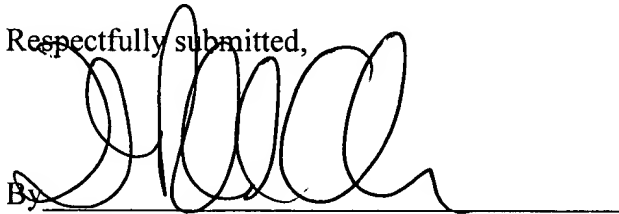
Claims 18-26 variously depend from independent claims 16 and 17. Therefore, claims 18-26 are patentable over Suzuki for at least those reasons presented above with respect to claims 16 and 17.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 9, 2006

Respectfully submitted,



By _____
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